

A RESOLUTION of the Common Council of the City of Fort Wayne approving Rules and Regulations, Right-of-Way Occupancy in connection with persons or organizations seeking a permit.

WHEREAS, the Common Council of the City of Fort Wayne has adopted Ordinance S-54-85, entitled "Fees for Use of Rights-of Way," and

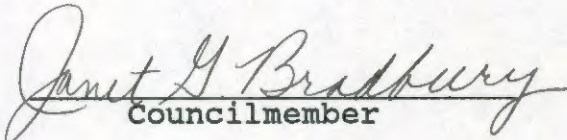
WHEREAS, said Ordinance extended authority to the Board of Public Works and Safety to charge additional sums for other uses of its rights-of-way; and

WHEREAS, the Board of Public Works and Safety has prepared such Rules and Regulations for Right-of-Way Occupancy.

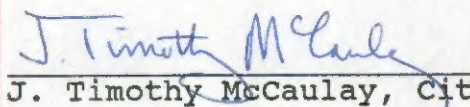
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Rules and Regulations, Right-of-Way Occupancy, of the Board of Public Works and Safety with respect to permits and fee schedule are hereby approved and ratified. Two copies of said rules and regulations are available for inspection in the office of the Clerk of the City of Fort Wayne and are incorporated herein by reference.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 3-14-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LAST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY				<u>✓</u>
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT				<u>✓</u>
STIER				<u>✓</u>
TALARICO	<u>✓</u>			

DATED: 5-23-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-33-89 on the 23rd day of May, 1989,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reed SEAL
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of May, 1989, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of May, 1989, at the hour of 6:00 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BOARD OF PUBLIC WORKS AND SAFETY

RULES AND REGULATIONS

RIGHT-OF-WAY OCCUPANCY

Pursuant to its rule making authority specified under Section 25-1(c) of the Municipal Code of the City of Fort Wayne, the Board of Public Works and Safety for the City of Fort Wayne hereby adopts the following rules and regulations governing the use of the City of Fort Wayne Rights-of-Way by those persons or organizations seeking a permit pursuant to paragraph (B) of Section 25-1 of the Municipal Code of the City of Fort Wayne, Indiana.

1.) APPLICATION REQUIRED

a.) Not less than 48 hours prior to the anticipated occupancy of any city right-of-way in the case of street closures, and not less than 14 days prior to the anticipated occupancy in the case of structures, parties seeking such occupancy shall make application to the Board of Public Works and Safety on the form provided therein; however, said time limits may be waived for applications determined to be emergencies by the Board of Public Works and Safety.

b.) Said application shall be made at the City Right-of-Way Department.

c.) Said application shall contain an adequate description of the use to be made of the occupied portion of City right-of-way including the size, location, purpose and type of structure to be located thereupon.

2.) DEPARTMENTAL APPROVALS REQUIRED

Before any permit shall be granted, the same shall be reviewed by and approved by the Police and Traffic Engineering Department.

3.) CONDITIONS OF PERMIT

a.) INDEMNITY:

No permit shall be granted unless applicant shall have undertaken to indemnify and save harmless, the City of Fort Wayne of and from any and all losses or claims

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which may be asserted by anyone by reason of the granting of such permit and the occupancy of right-of-way by applicant.

b.) FEE:

Applicant shall pay the fee hereinafter specified.

c.) RESTORATION:

Applicant shall covenant to restore the right-of-way at the conclusion of occupancy.

d.) BARRICADES AND SIGNS:

All barricades and signs shall conform with the latest revision of the Indiana Manual on Uniform Traffic Control Devices (copies of which are available for purchase from the Right-of-Way Department) as well as any additional requirements deemed appropriate by the Traffic Engineering Department when necessitated by special or additional safety considerations. Permittees shall bear the expense of obtaining, erecting, maintaining and removing barricades and signs unless the Board of Public Works and Safety shall grant an exception in the case of not for profit civic events such as parades, festivals, races, marathons, block parties, and the like. Applicant shall also designate a representative and 24-hour phone number for notification by City when maintenance of barricading is required.

4.) FEE SCHEDULE

SINGLE POINT BARRICADING:

<u>Type Street</u>	<u>Complete Closure</u>	<u>Traffic Lane Restrictions</u>	<u>Non Traffic Restrictions</u>
Residential	\$50.00/week	\$20.00/week	\$20.00/week
Collector	\$60.00 plus \$30.00/day/lane	\$30.00/day/lane	\$20.00/week
Arterial	\$100.00 plus \$50.00/day/lane	\$50.00/day/lane	\$20.00/week

MULTI POINT BARRICADING:

<u>0 - 5 MILES</u>	<u>6 - 10 MILES</u>	<u>11+ MILES</u>
\$250.00	\$ 500.00	\$ 50.00/MILE

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5.) PENALTY FOR VIOLATION

Any person who fails to obtain the necessary right-of-way occupancy permit is guilty of a violation and shall be penalized one hundred dollars (\$100.00) per day until such time as an approved permit is obtained, in addition to becoming liable for the appropriate fee from the date said occupancy begins. Enforcement proceedings may be initiated upon complaint by the Right-of-Way Department or any affected individual.

6.) EFFECTIVE DATE OF RULES AND REGULATIONS

These rules and regulations shall become effective upon the adoption of a Resolution ratifying the same by the Common Council of the City of Fort Wayne.

APPROVED AND ADOPTED THIS 17th DAY OF May, 1989.
BOARD OF PUBLIC WORKS AND SAFETY

Angela S. Derheimer
Angela S. Derheimer
Director of Public Works

Michael McAlexander
Michael McAlexander
Director of Public
Safety

Douglas M. Lehman
Douglas M. Lehman
Director of Administration &
Finance

ATTEST: Helen V. Gochenour

To: City Council members
From: City Administration, Barricade Rules Committee
Subj: Background info concerning Resolution R-89-03-05,
Rules and Regulations, Right of Way Occupancy
Date: April 5, 1989

Enclosed is some background information that we thought might be helpful while considering our proposed rules and regulations regarding right of way occupancy.

Included is a memo explaining our justification for proposing a graduated fee schedule, a cost breakdown of a somewhat typical event requiring City barricading and expenditures, and an explanation of current City procedures and uses for barricade permits issued during 1987 and 1988.

If we can be of any further assistance or answer any questions, please feel free to contact Rick Orr, Right of Way Department supervisor at 427-1144.

Thank you.

Current Barricade Permit Procedures

Currently, the Board of Works, through the Right of Way Department, issues permits to allow blocking portions of public right of way on a temporary basis for a specifically stated purpose and length of time.

Before a permit can be issued, the applicant files for the permit and provides information on the location of the obstruction, time frames involved, and reason for the request. The application is then routed through the Traffic Engineering Department and the Traffic Division of the Police Department and is reviewed by considering the following broad factors:

- length of time the obstruction will be present
- degree of potential hazard the obstruction could cause
- degree of public inconvenience posed by the obstruction
- degree of financial burden placed on City finances

The permit is also reviewed more specifically as well for such factors as the use of appropriate warning signs, flagpersons, arrowboards, flasher barricades, and the like. If the permit is approved, the applicant is then monitored to ensure that the permit requirements have been followed.

Following is a functional breakdown of the permits issued during 1987 and 1988:

	1987	1988
Pavement cuts/repairs	122	64
Uses to facilitate construction	43	68
Moving/loading/using parking areas	11	22
Dumpster placements	56	41
Streets used for public events	51	49

MEMORANDUM

To: Mark Gensic, City Engineer
From: Barricade Rules Committee
Subj: Fee schedule justification

July 20, 1988

Following is the barricade committee's attempt at justifying the barricade permit fee schedule we would like to implement. We have three primary reasons for proposing a graduated fee schedule, all of which are important.

I. Recoupment of direct costs to the City

Permit applications are usually accepted by a permit clerk who processes the permit. Time is expended completing the form, issuing receipts, recording the necessary information for record-keeping purposes, routing the permit and obtaining the necessary signatures, disseminating the information to the applicant and other City departments, and filing the permit. This process occurs with all permits and represents a direct cost to the City.

Permits requiring traffic lane restrictions require additional City expenditures. Traffic engineering reviews and often provides signing details and schematics to insure that the applicant understands the permit requirements and conditions. The right of way department monitors for compliance as does the police department. City personnel are used to 'bag' parking meters and post emergency no parking signs.

Complete closures require additional expenditures. More time is spent by engineering developing alternate routes and providing more extensive signing details. The police department expends more energy with traffic enforcement functions and insuring a smooth traffic flow while the right of way department expends more for inspection and insuring permit compliance.

Because City expenditures can vary greatly depending on varying particulars and circumstances surrounding the permit process, we found it impossible to accurately assign a dollar figure to these direct costs. Even so, these expenses are considerable although the direct costs alone can not totally justify the proposed fees.

II. Recoupment of indirect costs to society

There are also various indirect costs incurred by the people using public streets. Since most of these external costs are non-collectable except by government, we feel a fee schedule partially based on social costs is appropriate. By recouping these costs, the tax burden is reduced on society as a whole and the external costs are internalized to the permit applicant. This somewhat addresses the problem of a private organization utilizing public property for private gain. The permit fee more accurately reflects the true costs associated with barricading.

These social costs include a higher level of public inconvenience, gasoline expenditures, and time expenditures due to changes from normal traffic patterns. Additional stress to the infrastructure due to rerouting traffic onto streets designed for local traffic only, as well as a greater accident risk due to driver error increases costs. Barricade permit applications can affect access points to businesses, restricting their customers. Garbage collection and bus routes need altered. Firetrucks and ambulances need re-routed.

These social costs so listed are far from inclusive but do have a direct relationship with our fee schedule. As the degree of closure and type of street classification increases, so do the social costs.

III. Construct incentives to limit barricading disruptions

The final reason we have for our proposed fee schedule is to offer incentives to contractors and other permit applicants to use other construction practices and methods as an alternative to barricading public property. All too frequently, we suspect that barricade permits are requested because it is the easiest and cheapest way to accomplish the applicant's objective, even though the applicant stresses the 'need' for the barricade permit. Perhaps by increasing the fees and basing them partially on the extent of the public disruption, other options or alternative methods become more feasible. Instead of requesting a complete closure of a street, maybe the applicant will try harder to maintain as much traffic as possible. As the cost of barricading increases, other alternatives relatively cost less.

cc: W. Stout, D. Bruce
G. Letz
T. Magley
file

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

Q-89-03-05

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS AND SAFETY

SYNOPSIS OF ORDINANCE Resolution ratifying and approving Rules and

Regulations, Right-of-Way in connection with permits and fees for

for use of the Ciity of Fort Wayne Rights-of-Way.

EFFECT OF PASSAGE Permits and fees cound not be issued and charged by

the Board of Public Works and Safety

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

Hold
till
3/27

As amended. ~~###~~
hold 1
for 4/18
(Jim McCauley
not available)
4/11
4/25
McCaulley
Hold
5/9
Mike
McCauley

BILL NO. R-89-03-05

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
STIER, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) of the Common Council
of the City of Fort Wayne approving Rules and Regulations,
Right-of-Way Occupancy in connection with persons or organizations
seeking a permit

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION AND
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

~~(ORDINANCE)~~ (RESOLUTION) No Pass

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Janet G. Bradbury	_____	_____	_____
Janet G. Bradbury	_____	_____	_____
David C. Long	_____	_____	_____
Samuel Talarico	_____	_____	_____
David C. Long	_____	_____	_____
Mark C. Schmidt	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: 5-23-89

Sandra E. Kennedy
City Clerk